

DECLARATION OF SEJAL CHOKSI-CHUGH

SAN FRANCISCO BAYKEEPER

I, **Sejal Choksi-Chugh**, do hereby declare as follows:

1. I am, and at all material times was, a resident of Contra Costa County, California, which is on the East side of San Francisco Bay. I am over the age of 18, and I am competent to give this declaration.
2. I have personal knowledge of the facts stated in this declaration, and if called to testify, I could and would competently testify to the truth of these facts.
3. I am employed by San Francisco Baykeeper (“Baykeeper”) and have been for approximately 23 years. Since May 2015, I have served as the Executive Director and a public advocate and primary spokesperson for the organization. I provide strategic direction for Baykeeper’s policy, science, and litigation programs aimed at protecting San Francisco Bay, and I direct all aspects of the organization’s operations.
4. I joined Baykeeper as a legal fellow in September 2002. From 2004 through May 2015, I served in several capacities supporting Baykeeper’s mission, including as Baykeeper’s Program Director and as Staff Attorney.
5. I am an attorney in good standing with the California State Bar Association. I routinely work out of Baykeeper’s offices at 1736 Franklin Street, Suite 800,

Oakland California, 94612.

6. I have lived in the Bay Area since 1998 when I moved here to attend law school at the University of California, Berkeley School of Law. I hold a juris doctorate with a specialization in Environmental Law from the UC Berkeley School of Law and have a Bachelor of Science in Anthropology from Emory University.

San Francisco Baykeeper

7. Baykeeper is a regional non-profit public benefit corporation organized under the laws of California in 1989, with its principal place of business in Oakland, California. Baykeeper's mission is to defend San Francisco Bay from environmental threats and hold polluters and government agencies accountable to create healthy communities and help wildlife thrive using science, litigation, and advocacy. Baykeeper patrols on the water, investigates polluters, and strengthens and enforces laws to protect the Bay. Baykeeper is dedicated to preserving, protecting, and defending the environment, wildlife, and natural resources of San Francisco Bay and its tributaries for the benefit of its ecosystems and communities.

8. To further its goals, Baykeeper actively seeks federal and state agency implementation of federal and state water quality-related laws. As necessary, Baykeeper directly initiates enforcement actions on behalf of itself and its members, and enforcement of the Clean Water Act and other environmental laws is part of Baykeeper's mission.

9. Baykeeper is structured around two categories of participants: board members and individual members. Baykeeper's bylaws provide for a maximum forty-member Board of Directors which possesses all decision-making authority. Only Baykeeper board members have the right to vote on the strategic direction of the organization.

10. All Baykeeper staff are counted as individual members, as well as any individual making a financial contribution in any amount or an equivalent in-kind contribution of time within the preceding two-year period is defined as an individual member.

11. Individual members do not have the right to vote, but they receive monthly electronic newsletters and optional print newsletters, may submit comments or recommendations regarding Baykeeper's policies or strategies, and may be represented by Baykeeper in proceedings addressing issues regarding the San Francisco Bay-Delta watershed.

12. Baykeeper has approximately 2,500 individual members, most of whom reside in the San Francisco Bay Area and use San Francisco Bay and its shoreline for recreational, educational, conservation, and scientific purposes.

13. Baykeeper has members that use and enjoy the waters all around San Francisco Bay, including the waters described as impacted by plastic pollution. One of Baykeeper's priorities is ensuring that the Clean Water Act (NPDES) permits

for facilities discharging pollutants into the Bay are strong enough to protect the Bay. Baykeeper also uses its resources to combat the impacts caused by the continuing proliferation of single-use plastic. These efforts include policy advocacy at the state and local level within California to reduce plastic pollution; organizing volunteer beach cleanups to remove plastic from creeks, rivers, and the shoreline before it enters San Francisco Bay; investigating industry and local government practices that may lead to plastic pollution; and providing public education and engagement initiatives, including monitoring and research, such as trawling for microplastics in the Bay and measuring shoreline plastic pollution.

Baykeeper's Contacts with Texas

14. Baykeeper's offices are in Oakland, California and all staff reside and work in the San Francisco Bay Area. Baykeeper has a boat that is docked at the South Beach Yacht Harbor in San Francisco, California and which exclusively patrols San Francisco Bay and the Sacramento-San Joaquin River Delta. Baykeeper has no physical presence or chapters outside of California.

15. Baykeeper's activities are completely focused on the San Francisco Bay and its watershed. At no time did Baykeeper's employees enter Texas to conduct any organizational activities. Likewise, no Baykeeper agents have entered Texas to conduct organizational activities. No goods were sent by Baykeeper to Texas.

16. Baykeeper is only registered to do business in California and has no business

registrations in Texas.

17. Baykeeper's bank accounts are in California; Baykeeper has no bank account in Texas. Baykeeper owns no real property in Texas.

18. Baykeeper's mission is to protect San Francisco Bay, which means that our activities are focused on people and institutions in California with experience of and familiarity with the Bay.

19. Baykeeper does not actively fundraise or solicit donations in Texas.

20. Baykeeper's communications with ExxonMobil have been exclusively regarding the complaint that Baykeeper and other non-governmental organizations filed against Exxon in the State of California. No other communications have been sent by Baykeeper to ExxonMobil in Texas.

21. Baykeeper does not generally participate in picket or protest actions, and any such actions Baykeeper has participated in have occurred exclusively in the San Francisco Bay Area. Baykeeper has never picketed or protested on any matter related to ExxonMobil. Baykeeper has never picketed or protested or conducted other business outside ExxonMobil facilities in Texas.

22. Baykeeper has extensively engaged in the study of the harms that plastic pollution cause to San Francisco Bay and its environment, including plastic trash cleanups and studies of microplastics in San Francisco Bay.

23. Several of the scientists and agencies who Baykeeper has worked with and

relied upon in the field of plastic debris and its effects upon San Francisco Bay reside in Northern California where their work is focused.

24. I did not attend the in-person press conference in Burlingame, California. Baykeeper had no employees or representatives at the Burlingame live press conference. I attended the online press conference in Northern California regarding the contemporaneously filed California complaint against ExxonMobil. I was at my office in Contra Costa County, California during the entire online press conference. I gave a statement during the online press conference, but I was not asked any questions.

25. Baykeeper has no proxy or agency relationship with any of the named defendants in this action.

26. Baykeeper did not receive any foreign money in exchange for joining the lawsuit against ExxonMobil in California.

27. Baykeeper filed the lawsuit in California to address single-use plastic pollution in California.

28. Baykeeper is not a local placeholder for the California lawsuit and is not acting for foreign business interests.

29. Baykeeper targeted its statements about single-use plastics at California, not at Texas.

30. Baykeeper has not communicated with any person that that we know has or potentially may have a recycling contract with ExxonMobil.

31. Baykeeper has not availed itself of the privileges of the State of Texas.

32. Baykeeper had no involvement in any alleged placement of “Air Tags” in plastic waste dropped in recycling bins for the Houston Recycling Consortium or Cyclyx International, LLC.

33. Baykeeper has not advocated in Texas against ExxonMobil.

34. Baykeeper committed no unlawful overt act in furtherance of any conspiracy.

35. Baykeeper is not seeking financial gain from its litigation against ExxonMobil in California beyond the damages listed in our complaint.

36. Baykeeper has not had communication with any companies that we know ExxonMobil has had a business relationship with regarding the recycling of plastics.

37. Baykeeper has not had communication with any governmental permitting agency that we know ExxonMobil deals with regarding the recycling of plastics.

38. Baykeeper has no business relations in Texas and has not availed itself of any business relations in Texas.

39. Baykeeper has not directed any of its conduct at Texas.

40. Baykeeper has not communicated with the Houston Recycling Consortium.

41. I cited no Texas sources in my statements at the Northern California online press conference.

42. No excise tax has been imposed upon Baykeeper during my tenure with Baykeeper.

Pursuant to 29 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief. Executed this 24th day of April 2025 in Contra Costa County, California.


Sejal Choksi-Chugh